COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 2, 2010

OFFICE CORRESPONDENCE FILE NO. FO2235286

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

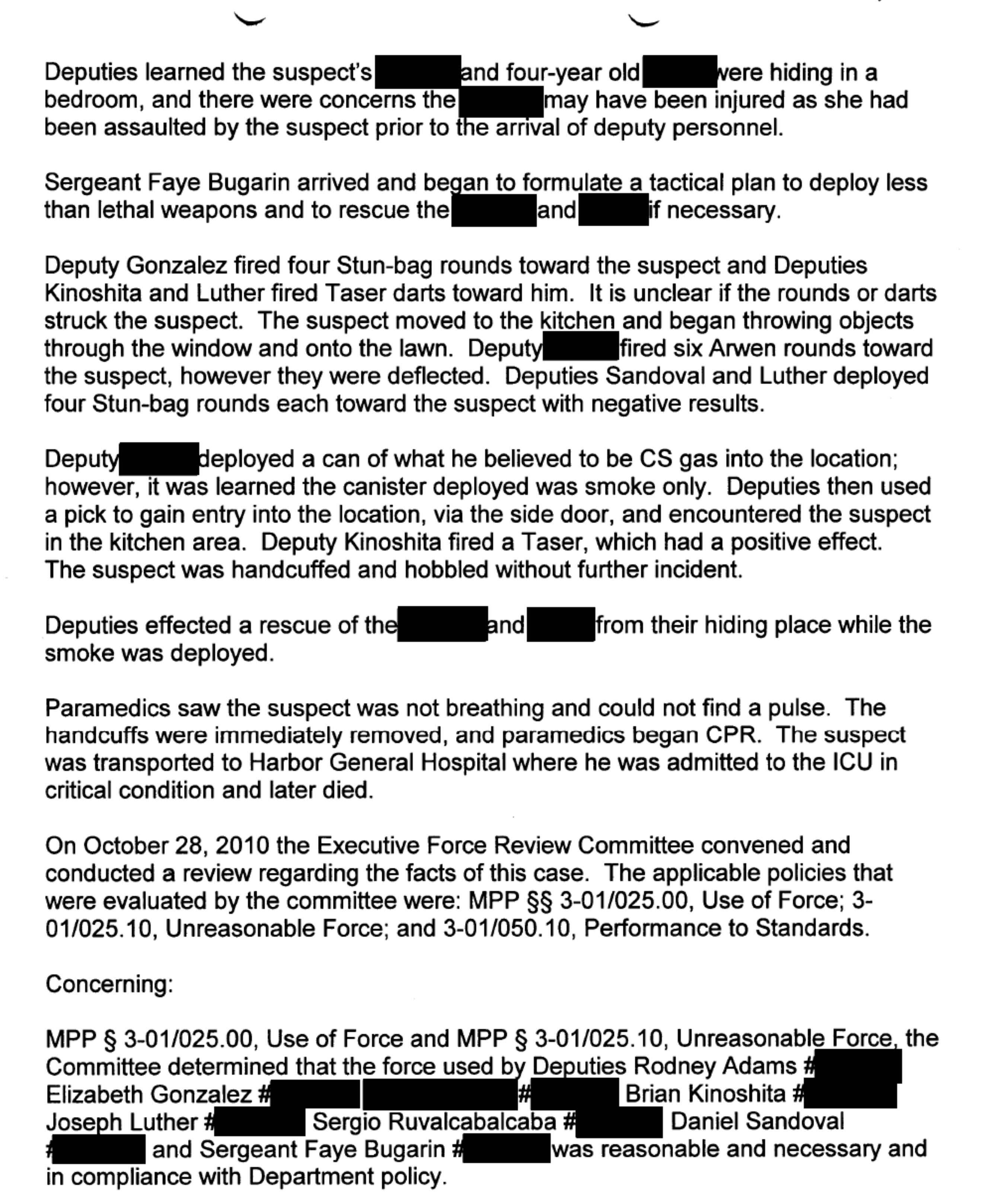
SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
RODNEY ADAMS #[redacted]
ELIZABETH GONZALEZ #[redacted]
[redacted] #[redacted]
BRIAN KINOSHITA #[redacted]
JOSEPH LUTHER #[redacted]
SERGIO RUVALCABA #[redacted]
DANIEL SANDOVAL #[redacted]
SERGEANT FAYE BUGARIN #[redacted]
CARSON STATION

At 0456 hours, Carson Station received a 911 call from Ms. [redacted] the [redacted] of Suspect Sapinoso, who said her [redacted] was "going crazy," had hit her, and was breaking things inside of the home. Station dispatchers could hear fighting and a struggle during the phone call. An additional 911 call was received from a neighbor.

Upon their arrival, deputies were contacted by [redacted] who said the suspect was inside the house acting crazy. The deputies saw the interior of the home disheveled, furniture was broken and in a heap near the front door. The suspect did not acknowledge their presence and appeared to be looking past them. The deputies requested assistance and a field sergeant to respond Code-3.

Suddenly, the suspect began advancing toward the front door, and toward the deputies, carrying a broken piece of wood in his hand. Without warning the suspect threw the wood, which struck Deputy Kinoshita on the head. The deputies quickly slammed the screen door to prevent his advance, broadcast the update and contained the home.

The suspect began throwing house hold items through the south facing living room window, causing it to shatter. A porcelain Buddha struck Deputy Gonzalez on the shoulder and shattered in the street.



Deputies learned the suspect's [redacted] and four-year old [redacted] were hiding in a bedroom, and there were concerns the [redacted] may have been injured as she had been assaulted by the suspect prior to the arrival of deputy personnel.

Sergeant Faye Bugarin arrived and began to formulate a tactical plan to deploy less than lethal weapons and to rescue the [redacted] and [redacted] if necessary.

Deputy Gonzalez fired four Stun-bag rounds toward the suspect and Deputies Kinoshita and Luther fired Taser darts toward him. It is unclear if the rounds or darts struck the suspect. The suspect moved to the kitchen and began throwing objects through the window and onto the lawn. Deputy [redacted] fired six Arwen rounds toward the suspect, however they were deflected. Deputies Sandoval and Luther deployed four Stun-bag rounds each toward the suspect with negative results.

Deputy [redacted] deployed a can of what he believed to be CS gas into the location; however, it was learned the canister deployed was smoke only. Deputies then used a pick to gain entry into the location, via the side door, and encountered the suspect in the kitchen area. Deputy Kinoshita fired a Taser, which had a positive effect. The suspect was handcuffed and hobbled without further incident.

Deputies effected a rescue of the [redacted] and [redacted] from their hiding place while the smoke was deployed.

Paramedics saw the suspect was not breathing and could not find a pulse. The handcuffs were immediately removed, and paramedics began CPR. The suspect was transported to Harbor General Hospital where he was admitted to the ICU in critical condition and later died.

On October 28, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Rodney Adams #[redacted] Elizabeth Gonzalez #[redacted] [redacted] #[redacted] Brian Kinoshita #[redacted] Joseph Luther #[redacted] Sergio Ruvalcabalcaba #[redacted] Daniel Sandoval #[redacted] and Sergeant Faye Bugarin #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

Table of Contents

IAB # FO2235286

[redacted]

EXHIBITS

A - District Attorney Letter of Opinion

B - Homicide Book

C - Photographs - Scene (With Compact Disc)

D - Photographs - Victim [redacted] (Corresponding CD in Miscellaneous Documents)

E - Photographs - Deputies (Corresponding CD in Miscellaneous Documents)

F - Photographs - Suspect Dennis Sapinoso (Corresponding CD in Miscellaneous Documents)

G - Compact Disc - Radio Traffic Voice-Print

H - DVD - Scene Video

MISCELLANEOUS DOCUMENTS

- Witness Administrative Rights Forms

- 3 Compact Disc with Photographs from Exhibits D, E & F

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 009-00083-1628-053	Date: 1/3/09	Time: 0456	
Location: [redacted] E. 222nd Street	City or Station: Carson		
Bureau/Station/Facility: FORII/Carson Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant / Taser, Stunbag, Arwen, Stingball, Smoke, Hobble			
Deputy Injury: YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☒ Call ☐ Observation ☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit		
IAB Notified: YES ☒ NO ☐	Person Notified: Lieutenant. Alicia Ault	Emp: [redacted]	IAB Roll Out: YES ☐ NO ☐

Involved Employee

E1

Employee #: [redacted]	Last Name: Kinoshita	First Name: Brian	Middle Name: K.
Sex: ☒ Male ☐ Female	Race: Asian-Pacific Islander	Unit of Assignment: Carson Station	Work Assignment (Unit #, Module, etc.): Patrol/160T
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5' 10" Weight: 175
☒ Injured ☒ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E2

Employee #: [redacted]	Last Name: Luther	First Name: Joseph	Middle Name: A.
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: Carson Station	Work Assignment (Unit #, Module, etc.): Patrol/168
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 6' 01" Weight: 200
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E3

Employee #: [redacted]	Last Name: Gonzalez	First Name: Elizabeth	Middle Name:
Sex: ☐ Male ☒ Female	Race: Hispanic	Unit of Assignment: Carson Station	Work Assignment (Unit #, Module, etc.): Patrol/164
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5' 03" Weight: 120
☒ Injured ☒ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☒ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Bugarin	Faye	A.	Sgt	YES ☒ NO ☐	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ashrafnia	Walid	S.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander (**Print Name**): Sgt. Eric Strong — Watch Commander's **Signature**: [redacted] — Emp #: — Date

Supervisor Completing Form: (**Print Name**): Captain Bernice Abram — Emp #: — Copy Provided to Employee by: — Emp #:

Unit Commander (**Print Name**) — Unit Commander's **Signature**: — Emp #: — Date

DISCOVERY Use Only
FO#

Hybrid Form SH-R-438P (Rev. 11/07)

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 9 - 0 0 0 8 3 - 1 6 2 8 - 0 5 3

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Adams	Rodney	A.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	White	Carson Station	Patrol/169

Shift		Age	Height	Weight
[X] EM [ ] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	5' 09"	180 lbs

	Hospital	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [X] Significant Force [ ]

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[redacted] Male [redacted] Female	[redacted]	[redacted]	[redacted]

Shift		Age	Height	Weight
[redacted] EM [redacted] Day [redacted] PM	[redacted] Regular Shift [redacted] OT Shift [redacted] Off Duty	[redacted]	[redacted]	[redacted]

	Hospital	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [X] Significant Force [ ]

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	Sandoval	Daniel	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	Hispanic	Carson Station	Patrol/163

Shift		Age	Height	Weight
[X] EM [ ] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	5' 07"	155

	Hospital	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [X] Significant Force [ ]

E 7

Employee #	Last Name	First Name	Middle Name
[redacted]	Ruvalcaba	Sergio	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	Hispanic	Carson Station	Patrol/169

Shift		Age	Height	Weight
[X] EM [ ] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	5' 08"	200

	Hospital	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [ ]

E __

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Hospital	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [ ]

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 0 9 - 0 0 0 8 3 - 1 6 2 8 - 0 5 3

Suspect Information

S 1

Last Name: Sapinoso | First Name: Dennis | Middle Name: Gelacio

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: Asian-Pacific Islander | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 41 | Height: 6' 01" | D.O.B.: 12/10/1967 | Weight: 247 lbs | Armed? ☐

Booking #: 1750042 | Primary Charge Code: 245(a)(1) PC | Secondary Charge Code: 245(c)PC | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO | Name: Los Angeles County Fire | Unit: 36 | Phone #: (310) 830-9596

Hospital Admission? ☒ | Rec'd Treatment At: Harbor UCLA Medical Center | Coroner Case #: 2009-00100 | Mental History ☒

By Doctor: Nguyen | Address: 1000 W. Carson Street, Torrance, CA 90502 | Phone #: 310-222-2788

Under Influence: ☐ YES ☒ NO | Substance: | Mental Illness ☒

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☒

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO | Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO | Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
0 0 9 - 0 0 0 8 3 - 1 6 2 8 - 0 5 3

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Chacon	Michael	A.
[redacted]	Cliver	Shawn	D.
[redacted]	Holdsworth	Scott	C.
[redacted]	Garcia	Marina	L.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	22	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	48	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	69	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

☐ Additional Witness

Supervisor's Report on Use of Force

0 [illegible] - 0 0 0 8 3 - 1 6 2 8 - 0[illegible]3

Method

- (AW) Arwen
- (BC) Baton: (Control)
- (BI) Baton: (Impact)
- (BF) Bodily Fluids
- (CN) Canine
- (CR) Carotid Restraint
- (CH) Choke Hold
- (CT) Control Holds: (Control Techniques)
- (TT) Control Holds: (Team Takedown)
- (TD) Control Holds: (Takedown)
- (CE) Chemical
- (OC) Chemical Agents (OC Spray)
- (TG) Chemical Agents (Tear Gas)
- (EX) Explosives
- (FH) Firearm (Handgun)
- (FR) Firearm (Rifle)
- (FS) Firearm (Shotgun)
- (FO) Firearm (Other)
- (FB) Flashbang
- (FL) Flashlight
- (OE) Other Weapon: Edged
- (OV) Other Weapon: Vehicle
- (OB) Other Weapon: Blunt Object
- (OO) Other Weapon: Other
- (PK) Personal Weapon: Feet/Leg: (Kick)
- (PS) Personal Weapon: Feet/Leg: (Sweep)
- (PH) Personal Weapon (Hand/Arm)
- (PP) Personal Weapon (Push)
- (PO) Personal Weapon (Other)
- (RS) Resistance
- (CN) Restraint Device (Capture Net)
- (RH) Restraint Device (Handcuffs)
- (HB) Restraint Device: Hobble (Legs Only)
- (TP) Restraint Device: Hobble (TARP)
- (RE) Restraint Device: REACT Belt
- (SP) Sap
- (SH) Shield
- (SG) 37mm Stinger
- (SB) Sting Ball
- (ST) Stun Bag
- (TR) Taser
- (UC) Uncooperative

Type of Injury

- (AB) Abrasion
- (BR) Bruise
- (BU) Burn
- (CP) Complaint of Pain
- (CO) Concussion
- (DH) Death
- (DI) Dislocation
- (DB) Dog Bite
- (FR) Fractures
- (GS) Gunshot
- (HB) Human Bite
- (LC) Lacerations
- (ND) Nerve Damage
- (OD) Organ Damage
- (PA) Paralysis
- (PW) Puncture Wound
- (SD) Soft Tissue Damage
- (ST) Sprain/Twists
- (UN) Unconscious
- (RM) Refused Med Treatment
- (NN) NONE

Body Part Injured

- (AD) Abdomen
- (AK) Ankle
- (AR) Arm
- (BK) Back
- (BT) Buttocks
- (CH) Chest
- (EL) Elbow
- (FA) Face
- (FE) Feet
- (FI) Fingers
- (GE) Genitals
- (GR) Groin
- (HD) Hands
- (HE) Head
- (HI) Hip
- (IN) Internal
- (KN) Knees
- (LE) Leg
- (NK) Neck
- (NO) Nose
- (SH) Shoulder
- (WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Sapinoso	S#1	Kinoshita, Brian	E#1	OB	AB	HE
Sapinoso	S#1	Gonzalez, Elizabeth	E#3	OB	CP/SD/RM	SH
Sapinoso	S#1	Luther, Joseph	E#2	OB	NN	
Sapinoso	S#1	Adams, Rodney	E#4	OB	NN	
Sapinoso	S#1	[redacted]	E#5	OB	NN	
Sapinoso	S#1	Sandoval, Daniel	E#6	OB	NN	
Sapinoso	S#1	Ruvalcaba, Sergio	E#7	OB	NN	
Kinoshita, Brian	E#1	Sapinoso	S#1	TR	PW	AD
Luther, Joseph	E#2	Sapinoso	S#1	TR/ST	PW/BR	BK/AD
Gonzalez, Elizabeth	E#3	Sapinoso	S#1	ST	BR	AD
Adams, Rodney	E#4	Sapinoso	S#1	TR	PW	BK
[redacted]	E#5	Sapinoso	S#1	AW/SB	BR	AD
Sandoval, Daniel	E#6	Sapinoso	S#1	ST	BR	BT
Ruvalcaba, Sergio	E#7	Sapinsos	S#1	HB	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
SUSPECT DECEASED

UNITS: **Carson Station**
DATE: Saturday, January 3, 2009
TIME: 0456 hours
LOCATION: [redacted] East 222nd Street, Carson
URN#: 009-00083-1628-053
IAB#: FO 2235286

SYNOPSIS:
Carson Station received a 911 call from Ms [redacted] the [redacted] of Suspect Sapinoso, who said her [redacted] was "going crazy," had hit her, and was breaking things inside of the home. Ms [redacted] said her [redacted] was getting violent and station dispatchers could hear fighting and a struggle during the phone call. Additionally a neighbor called 911 to report the disturbance.

Upon their arrival, deputies observed the front door to the home open and the contents of the living room disheveled, damaged and in a heap near the front door. They were contacted by [redacted] who said the suspect was inside the house acting crazy. The deputies took a position of advantage and saw the suspect in the living room, shouting to himself, moving furniture and other household items into a heap. They called to the suspect to come outside; however, he did not acknowledge their presence and appeared to be "looking past them." The deputies requested additional units and the Field Sergeant to respond code-3.

Suddenly the suspect began advancing toward the front door and toward the deputies carrying a broken piece of wood in his hand. Without warning the suspect threw the wood, which struck Deputy Kinoshita on the head. The deputies quickly slammed the screen door to prevent his advance, broadcast the update to responding units and began to contain the house.

The suspect began throwing household items through the south facing living room window, causing it to shatter. A porcelain Buddha struck Deputy Gonzales on the shoulder and shattered in the street. Several other items, including a rice cooker and solid Buddha landed on the front lawn of the residence.

At this time, deputies learned the suspect's [redacted] and four-year-old [redacted] were hiding in a bedroom, and there were concerns the [redacted] may have been injured as she had been assaulted by the suspect prior to the arrival of deputy personnel.

Sergeant Faye Bugarin arrived and began to formulate a tactical plan to deploy less lethal weapons and to rescue the [redacted] and [redacted] if necessary. Deputy Gonzalez fired four Stun-bag rounds toward the suspect and Deputies Kinoshita and Luther fired Taser darts toward the suspect through the front window; however, it is unclear if the rounds or darts struck the suspect. The suspect, who was bloody, possibly from broken glass inside the location, moved to the kitchen which is located directly next to the living room. He threw other objects through the kitchen window onto the lawn, causing the window to shatter. Deputy [redacted] fired six Arwen rounds toward the suspect, through the broken window, however the suspect used the door of a freezer and refrigerator to deflect the rounds. Both Deputies Sandoval and Luther deployed four Stun-bag rounds each toward the suspect with negative results.

Deputy [redacted] deployed a can of what he believed to be CS gas into the location; however, it was learned the canister deployed was smoke only. Deputies then used a pick to gain entry into the location, via the side door of the location, and encountered the suspect in the kitchen area. Deputy Kinoshita deployed the Taser, which had a positive effect and the suspect was handcuffed without incident. A hobble was placed around his ankles to facilitate the deputies in moving his body from the kitchen to the front yard as his body was difficult to grip due to blood and body fluids.

During the time the gas was deployed, deputies Ruvalcabalcaba, Cliver, and Chacon effected a rescue of the [redacted] and [redacted] from their hiding place in the southeast bedroom. The deputies were able to remove them via the front window and take them to safety.

The paramedics, who were now on the front lawn waiting to provide first aid, saw the suspect was not breathing and could not find a pulse. The handcuffs were immediately removed, and paramedics began CPR. They were able to regain a pulse and transported the suspect to Harbor General Hospital where he was admitted to the ICU in critical condition.

It should be noted during the situation the suspect attempted to pull the kitchen stove away from the wall damaging the natural gas line. His [redacted] was transported to Long Beach Memorial where she was treated for multiple contusions and a broken leg.

The Use of Force review will be conducted by Sergeant Eric Strong.

Rob Miller, Office of Independent Review, was notified and responded.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

Adams, Rodney #[redacted]

Date of Employment — 10-01-98

Date assigned to Patrol

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents



[redacted]

Bugarin, Faye #[redacted]

Date of Employment — 01-01-94

Date assigned to Patrol

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents



[redacted]

Gonzalez, Elizabeth #[redacted]

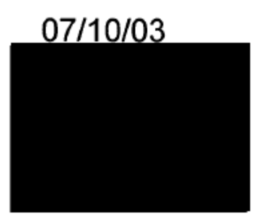
Date of Employment — 07/10/03

Date assigned to Patrol

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents



[redacted]

[redacted] #[redacted]

Date of Employment

Date assigned to Patrol

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents



[redacted]

Kinoshita, Brian #[redacted]

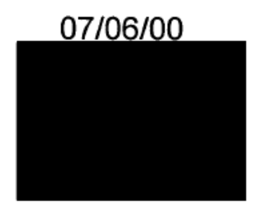
Date of Employment — 07/06/00

Date assigned to Patrol

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents



[redacted]

Luther, Joseph #[redacted]

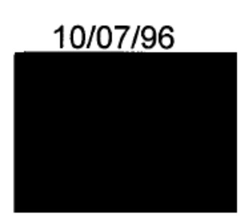
Date of Employment — 10/07/96

Date assigned to Patrol

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents



[redacted]

Ruvalcabalcaba, Sergio #[redacted]

Date of Employment	10/18/99
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	
Prior Founded Force Incidents	

Sandoval, Daniel #[redacted]

Date of Employment	10-25-06
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	
Prior Founded Force Incidents	

SUSPECT:
Sapinoso, Dennis M/O, DOB: 12-10-67, 6'01", 247 pounds, Black/Brown
[redacted] Phone:[redacted]

SWORN WITNESSES:
Deputy **Michael Chacon** #[redacted]
Field Operations Region II
Carson Station

Deputy **Shawn Cliver**, #[redacted]
Field Operations Region II
Carson Station

Deputy **Marina Garcia**, #[redacted]
Field Operations Region II
Carson Station

Deputy **Scott Holdsworth**, #[redacted]
Field Operations Region II
Carson Station

CIVILIAN WITNESSES:
Several civilian witnesses were located and interviewed by Carson Station personnel and Homicide Investigators. These interviews were audio recorded. Summaries of these interviews and verbatim transcripts are included in this investigative book.

Witness [redacted] was interviewed by Homicide investigators. Witness [redacted] stated he was asleep during the incident and did not witness anything. Refer to Homicide Investigator's Supplemental Report for a summary of Witness [redacted] statement **(Exhibit B, page 58).**

Witness [redacted] was interviewed by Carson Station detectives. This interview was audio recorded and the interview transcript is included in this investigation. Refer to the Supplemental Report for a summary of Witness [redacted] statement (**Exhibit B, page 59**). For Witness [redacted] complete and detailed statement refer to the audio file and transcript.

Witness [redacted] was interviewed by Carson Station detectives. This interview was audio recorded and the interview transcript is included in this investigation. For a summary of Witness [redacted] statement refer to **Exhibit B, page 59.** For Witness [redacted] complete and detailed statement refer to the audio file and transcript.

Witness [redacted] was interviewed by Homicide Investigators. When Homicide Investigators contacted Witness [redacted] she was visiting at her [redacted] residence [redacted]. Witness [redacted] stated that she did not live at the location and was not present when the incident occurred. For a summary of Witness [redacted] statement, refer to Homicide Investigator's Supplemental Report **(Exhibit B, page 77).**

Witness [redacted] was interviewed by Homicide investigators. Witness [redacted] stated that he and his [redacted] were away on [redacted] when the incident occurred. For a summary of Witness [redacted] statement, refer to **Exhibit B, page 77.**

Witness [redacted] was interviewed by Homicide investigators. Witness [redacted] stated he was asleep, and awoke to the sound of breaking glass. Witness [redacted] said he did not exit his house or see any portion of the incident. For a summary of Witness [redacted] statement refer to **Exhibit B, page 81.**

Witness [redacted] was interviewed by Homicide investigators. Witness [redacted] is a [redacted] assigned to monitor Suspect Sapinoso. Witness [redacted] had contact with Suspect Sapinoso the day before the incident (01/02/09). For a summary of Witness [redacted] statement refer to **Exhibit B, page 83.**

Witness [redacted] was interviewed by Carson Station personnel. This interview was audio recorded and the interview transcript is included in this investigation. Refer to the Supplemental Report for a summary of Witness [redacted] statement (**Exhibit B, page 59**). For Witness [redacted] complete and detailed statement refer to the audio file and transcript.

The neighborhood was canvassed by Homicide Investigators for additional witnesses to the incident. They were able to contact several people; however none of them actually witnessed the incident. None of these witnesses were able to add any pertinent information regarding this incident.

INJURIES

Suspect Sapinoso was transported by ambulance to Harbor General Hospital where he was treated for numerous lacerations on his hands, arms and feet. Suspect Sapinoso had puncture marks from Taser darts. Suspect Sapinosa had multiple abrasions and bruises from blunt force trauma all over his body. On January 4, 2009, the suspect was pronounced deceased by medical personnel. For a complete list of Suspect Sapinoso's injuries and cause of death refer to photographs **(Exhibit F)** and the Autopsy Report **(Exhibit B, page 257).**

Deputy Brian Kinoshita suffered an abrasion to his forehead **(Exhibit E)**.

Deputy Elizabeth Gonzales suffered a contusion to her left shoulder **(Exhibit E)**.

PHYSICAL EVIDENCE

For a detailed list of evidence refer to the listed evidence included with the Incident Report **(Exhibit B, page 5).** For additional information regarding physical evidence see photographs taken by Scientific Services Bureau **(Exhibit C).**

For evidence obtained during the autopsy refer to the Medical Examiner's Office "Evidence Log" **(Exhibit B, page 306).**

"Taser International" representative [redacted] conducted a forensic examination and analysis of the Tasers used in this incident. Mr. [redacted] report is included in this investigation **(Exhibit B, page 239)**.

A download of the Taser's memory was performed and the download report is included in this investigation **(Exhibit B, page 241).**

INVESTIGATOR'S OBSERVATIONS

Investigator's observed the location and noted a single story, single family residence. There were numerous household items located in the front yard. Investigators saw that the front (south facing) windows were completely broken out, and there was glass on the outside of the house. There were numerous expended shell casings from the Stun-bag and Arwen weapon systems.

Inside the residence the house appeared to be adequately furnished, and the living room (front south room) furniture was strewn about the floor, turned over, and broken. There was blood on the floor, walls, and furniture.

West of the living room and traveling north into the house was the kitchen. The kitchen appeared to be adequately equipped with a refrigerator, stove with oven, and a microwave. The refrigerator was pulled away from the wall, was open, and had blood all over the inside. The stove was pulled away from the wall, and had been turned over. The kitchen floor was littered with items, which appeared to come from the cupboards and cabinets. The floor, walls, cabinets, appliances, and ceiling were littered with blood.

For additional scene information refer to the scene photographs **(Exhibit C)**, and the post incident scene video **(Exhibit H)** which were taken and processed by the Scientific Services Bureau.

WEAPONS USED BY DEPUTY PERSONNEL
Arwen
Smoke
Sting-ball
Stun-bag
Taser

A download of the Taser's memory was performed and the download report is included in this investigation **(Exhibit B, page 241).**

"TASER International" representative [redacted] conducted a forensic examination and analysis of the TASER used in this incident. Mr. [redacted] report is included in this investigation **(Exhibit B, page 239)**.

WEAPONS USED BY SUSPECT
Personal Weapons (Hands, Arms, Legs), Other Weapons (Household items)

PROPERTY DAMAGE
House windows and multiple household items were damaged by Suspect Sapinoso **(Refer to Scientific Services Bureau photographs and video, Exhibits C & H)**.

CRIMINAL INVESTIGATOR and CHARGES FILED
None due to suspect deceased.

LIGHTING AND WEATHER CONDITIONS
The time was night (approximately 0400 hours) with dim lighting. The weather was cool.

SCENE DESCRIPTION
The scene was a single story, single family residence located on a corner lot with the front of the residence facing south (222ND Street). Moving from east to west, the east portion of the residence is a bedroom with a south facing window. Adjacent to the bedroom window and west of the window is the front door, which faces and opens to the south. The front door opens into the living room, which travels west toward the kitchen.

The living room is in the south portion of the house, west of the front door, and there is a large picture window facing south (west of the front door). West of the living room is the kitchen, which includes a small breakfast nook. The kitchen travels north and leads to a west facing door.

The house appeared to be adequately furnished, and the kitchen appeared to be adequately equipped with a refrigerator, microwave and stove with oven. For additional scene information refer to the scene photographs, which were taken and processed by Scientific Services Bureau, **(Exhibit C).**

INVOLVED AND WITNESS DEPUTY STATEMENTS

Homicide investigators and Internal Affairs investigators interviewed the involved and witness deputies. This is a summary based on statements given during the audio recorded interviews. For complete and detailed statements refer to the digital audio files and the verbatim transcripts, which are included in this investigative casebook.

INVOLVED DEPUTY STATEMENTS

Deputy **Joseph Luther** wrote an Incident Report detailing his actions and observations during this incident **(Exhibit B, page 1)**. For Homicide investigator's written summary of Deputy Luther's statement refer to **Exhibit B, page 67**.

Deputy Luther observed the suspect in a violent rage, destroying furniture, and throwing items through the broken windows at deputy personnel. Based on the suspect's actions Deputy Luther Fired a Taser cartridge at Suspect Sapinoso and he is unaware if the Taser darts struck the suspect.

After repeated verbal commands and no-compliance to those commands, Deputy Luther fired a second Taser cartridge striking Suspect Sapinoso in the back. The Taser had no affect on the suspect, so Deputy Luther cycled the Taser a second time again with no affect.

Based on the rescue plan that was put together, Deputy Luther armed himself with a Stun-bag shotgun. During the rescue, Suspect Sapinoso attempted to exit the kitchen, and move towards the rescue location. Deputy Luther fired two Stun-bag rounds at the suspect, striking him in the torso, which caused Suspect Sapinoso to fall to his knees. After repeated verbal commands to stay down and get on the ground, suspect Sapinoso got to his feet. Deputy Luther fired to more Stun-bag rounds, which pushed Suspect Sapinoso back into the kitchen area where he was contained until the arrest team could make entry and secure him.

Sergeant **Faye Bugarin** wrote a Supplemental Report detailing her actions and observations during this incident **(Exhibit B, page 19).** For Homicide investigator's written summary of Sergeant Bugarin's statement refer to **Exhibit B, page 68**.

When Sergeant Bugarin arrived at the location she immediately began to coordinate and direct and a rescue plan, in order to secure the safety of the elderly woman and small child still inside the house. During this rescue operation, Sergeant Bugarin directed deputy personnel to utilize less-lethal weapon systems to keep Suspect Sapinoso contained in the far west portion of the house, while the rescue from a room on the east side of the house took place.

During the arrest of the suspect, Sergeant Bugarin was handed a discharged Taser by Deputy Adams. The Taser had already been fired and the darts were in contact with the suspect when Deputy Adams gave the Taser to Sergeant Bugarin. Sergeant Bugarin cycled the Taser, two times, when she observed the previous Taser cycle stop, and the suspect attempted to get up.

Deputy **Brian Kinoshita** wrote a Supplemental Report detailing his actions and observations during this incident **(Exhibit B, page 32).** For Homicide investigator's written summary of Deputy Kinoshita's statement refer to **Exhibit B, page 70**.

Upon arriving at the location Deputy Kinoshita saw Suspect Sapinoso's violent and destructive behavior. Deputy Kinoshita, along with Deputy Holdsworth gave the suspect verbal commands, which the suspect ignored. Based on the suspect's actions, Deputy Kinoshita fired his Taser at the suspect. The Taser had no effect on the suspect and Suspect Sapinoso picked a piece of wood and threw it Deputy Kinoshita striking him in the head. Deputy Kinoshita backed away from the front door and waited for additional units to arrive.

During Suspect Sapinoso's destruction of the he broke out the front windows. Deputy Kinoshita fired another Taser cartridge at the suspect which again had little to no effect. After a short time, deputies were able to make entry into the west, kitchen door. Once inside Deputy Kinoshita fired a third Taser cartridge which struck Suspect Sapinoso and caused him to go down to the floor and the arrest team was able to secure the suspect and carry him outside. Deputy Kinoshita was part of this arrest team and said that he secured a handcuff and saw the Hobble restraint applied to the suspect's ankles. Deputy Kinoshita did not see the Hobble clipped to the handcuff.

Deputy **Elizabeth Gonzalez** wrote a Supplemental Report detailing her actions and observations during this incident **(Exhibit B, page 31).** For Homicide investigator's written summary of Deputy Gonzalez' statement refer to **Exhibit B, page 78**.

Deputy Gonzalez stated that after responding to the location she observed Suspect Sapinoso violently throwing furniture, breaking items and windows. Deputy Gonzalez retrieved her Stun-bag shotgun, and took a position on the front yard. Deputy Gonzalez said the front window to the residence was completely gone and she could see he suspect clearly.

Deputy Gonzalez gave the suspect several commands to stop and get down. After the suspect ignored her commands she fired one stun-bag shotgun round, striking Suspect Sapinoso in the torso area. Deputy Gonzalez saw that this had no affect on the suspect, and she gave more verbal commands for the suspect to stop his destructive behavior and get down. Deputy Gonzalez fired three more Stun-bag shotgun rounds striking the suspect. Deputy Gonzalez said the Stun-bag rounds had no affect on the suspect and only seemed to enrage him.

Deputy Gonzales saw Suspect Sapinoso pick up an item and throw it at her. She tried to dodge the object and was struck in the left shoulder. Deputy Gonzalez took up a position on the side of the house and remained there until Suspect Sapinoso was brought out by the arrest team.

Deputy **Sergio Ruvalcaba** wrote a Supplemental Report detailing his actions and observations during this incident **(Exhibit B, page 23).** For Homicide investigator's written summary of Deputy Ruvalcaba's statement refer to **Exhibit B, page 79**.

Deputy Ruvalcaba assisted with the rescue of the elderly victim and small child that were inside the house. After assisting in the rescue, Deputy Ruvalcaba became a member of the arrest team. During the securing of the suspect, Deputy Ruvalcaba said he placed a Hobble restraint around Suspect Sapinoso's ankle. Deputy Ruvalcaba said he then attached the clip of the Hobble restraint to the chain of the handcuffs. Deputy Ruvalcaba does not remember who removed the hobble restraint and handcuffs.

Sergeant **Daniel Sandoval** wrote a Supplemental Report detailing his actions and observations during this incident **(Exhibit B, page 25).** For Homicide investigator's written summary of Deputy Sandoval's statement refer to **Exhibit B, page 80**.

Deputy Sandoval arrived and was directed to use a Stun-bag shotgun to keep Suspect Sapinoso pinned down in the kitchen area so a rescue could be made. Deputy Sandoval gave several commands for the suspect to get n the floor and give up. Suspect Sapinoso ignored those commands and attempted to leave the kitchen area. Deputy Sandoval fired the Stun-bag shotgun two times striking the suspect, which had no effect. Deputy Sandoval gave additional verbal commands, which Suspect Sapinoso again ignored and continued his assaultive and destructive behavior. Deputy Sandoval fired two more bean bag rounds striking the suspect.

Deputy Sandoval then took a position near the front door and held that position until the suspect was taken into custody.

Deputy [redacted] wrote a Supplemental Report detailing his actions and observations during this incident **(Exhibit B, page 26).** For Homicide investigator's written summary of Deputy Luther's statement refer to **Exhibit B, page 80**.

Deputy [redacted] responded to the location and was briefed on the situation. He was directed by Sergeant Bugarin to get the Arwen, two Sting-balls and a canister of smoke. There was a coordinated plan to pin down the suspect in the kitchen using the less lethal weapons, while the rescue of Suspect Sapinoso's elderly [redacted] and a small child were affected on the other side of the house.

Based on the plan, and Suspect Sapinoso's advances to exit the kitchen, Deputy [redacted] fired the Arwen three times, striking the suspect in the abdomen. Deputy [redacted] re-

assessed and saw the Arwen rounds had little to no effect on the suspect. Deputy [redacted] fired three more rounds again striking the suspect in the torso area. The suspect backed up, but did not go down, and did not comply with commands to get on the floor. Deputy [redacted] then deployed two Sting-balls into the kitchen area, re-assessing after the first Sting-ball. Deputy [redacted] then deployed a canister of smoke into the residence in order to create a smoke screen, so that Suspect Sapinoso could not see the rescue attempts.

The force used allowed the rescue operation to be performed successfully.

Deputy **Rodney Adams** wrote a Supplemental Report detailing his actions and observations during this incident **(Exhibit B, page 25).** For Homicide investigator's written summary of Deputy Adams' statement refer to **Exhibit B, page 85**.

Deputy Adams observed the suspect violently throwing items, overturning appliances, and breaking furniture. When the suspect exposed his back to Deputy Adams, the deputy discharged a Taser striking the suspect in the back. The cycling of the Taser had an effect on the suspect and the suspect went down. When the 5 second cycle completed, Suspect Sapinoso tried to get up and Deputy Adams cycled the Taser for another 5 seconds. Once again when the cycle completed the suspect ignored all verbal commands, and again attempted to get back up. Deputy Adams repeated this cycle a total of 7 to 8 times until deputy personnel were able to breach the west door of the location and get inside the residence to take the suspect into custody.

WITNESS DEPUTY STATEMENTS:

Deputy **Michael Chacon** wrote a Supplemental Report detailing his actions and observations during this incident **(Exhibit B, page 37).** For Homicide investigator's written summary of Deputy Chacon's statement refer to **Exhibit B, page 71**.

Deputy Chacon said when he arrived he and his partner (Deputy Cliver) were assigned a position near the front door of the location. While holding his position he learned that there were people still inside the house. During the coordinated rescue, Deputy Chacon pulled the screen away from the window and was able to get the child through the window and carry her across the street.

Deputy Chacon did not use force during this incident.

Deputy **Shawn Cliver's** actions and observations were documented on the Supplemental report authored by Deputy Chacon. For Homicide investigator's written summary of Deputy Cliver's statement refer to **Exhibit B, page 72**.

Deputy Cliver did not use any force during this incident. Deputy Cliver held a position near the front door, and could hear loud banging and crashing noises throughout the incident. Once Suspect Sapinoso was in custody and the paramedics were treating him, Deputy Cliver assisted with securing the scene.

Deputy **Marina Garcia** wrote a Supplemental Report detailing her actions and observations during this incident **(Exhibit B, page 43).** For Homicide investigator's written summary of Deputy Garcia's statement refer to **Exhibit B, page 73**.

When Deputy Garcia arrived at the location there were other units on scene. Suspect Sapinoso was rampaging inside the living room of the house, throwing furniture and breaking windows.

Deputy Garcia retrieved a Stun-bag shotgun from the Sergeant's Tahoe and held a position to the rear of the location. Deputy Garcia did not see the less-lethal weapons deployed or when the suspect was taken into custody.

Deputy **Scott Holdsworth** wrote a Supplemental Report detailing his actions and observations during this incident **(Exhibit B, page 36).** For Homicide investigator's written summary of Deputy Holdsworth's statement refer to **Exhibit B, page 79**.

Deputy Holdsworth was the first unit to arrive on scene. When he arrived he went to the front door of the location and saw Suspect Sapinoso in the living room violently throwing items and destroying furniture. Deputy Holdsworth tried to communicate with Suspect Sapinoso to get him to calm down; however, the suspect ignored all communication.

After a short period Deputy Kinoshita arrived at the front door. Based on the suspect's actions Deputy Kinoshita discharged the Taser at the suspect. The Taser had no affect and the suspect started coming toward the deputies. Deputy Holdsworth closed the front door in order to contain the suspect inside the house and wait for additional units.

Deputy Holdsworth held a position at the rear of the residence, and did not witness any of the force used or use ay force himself.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

December 22, 2009

Captain David Smith
Homicide Bureau
Los Angeles Sheriff's Department
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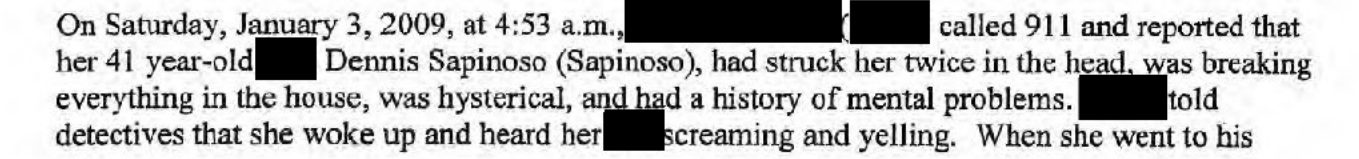
RE: J.S.I.D. # 09-0014
L.A.S.D. URN # 009-00083-1628-053

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its examination of the January 3, 2009, death of Dennis Sapinoso while in the custody of Los Angeles County Sheriff's Deputies. We have concluded the deputies involved acted lawfully during the detention and are not criminally liable for the death of Sapinoso.

The following analysis is based upon reports, pictures and recordings prepared by the Los Angeles Sheriff's Department (LASD) and submitted to this office on October 7, 2009. The District Attorney Command Center was notified of this death on January 4, 2009, therefore the District Attorney Response Team did not respond to the scene. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS



On Saturday, January 3, 2009, at 4:53 a.m., [redacted] ([redacted] called 911 and reported that her 41 year-old [redacted] Dennis Sapinoso (Sapinoso), had struck her twice in the head, was breaking everything in the house, was hysterical, and had a history of mental problems. [redacted] told detectives that she woke up and heard her [redacted] screaming and yelling. When she went to his

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room, Sapinoso was yelling and holding an ironing board over his head. She told him to put down the ironing board. Sapinoso complied and then punched her in the face. He then pushed her to the floor. In fear, [redacted] covered her head and body as Sapinoso struck her twice on the back of her head. She screamed for her [redacted] to help her.

[redacted] came to the room and found the door held shut by Sapinoso. He forced the door open enough so that [redacted] could crawl out of the room. After she exited the room, [redacted] observed Sapinoso lying on the floor flailing his arms, kicking his legs, and screaming incoherently. Both [redacted] and [redacted] ran out of the house and called 911. [redacted] reentered the home to rescue her 4 year-old [redacted] and the two remained in [redacted] bedroom with the door closed.

From the front lawn, [redacted] watched as Sapinoso left his room and entered the kitchen looking and sounding possessed. Sapinoso pulled the stove from the wall and removed everything from the kitchen cabinets. He then went into the dining room and living room and knocked over the furniture in those rooms. He shattered glass cabinets, televisions and windows which caused severe wounds on his hands and arms. Consequently, Sapinoso's blood was smeared on walls and furniture throughout the house [redacted] alerted his [redacted], [redacted] who was in her bedroom, to leave the house, which she did.

The entire morning shift, comprised of eleven deputies and the watch sergeant, responded to the home. When they arrived, Sapinoso closed the front door and used furniture from the living room to barricade the door. He continued to scream incoherently and throw items inside the house. [redacted] told the deputies [redacted] was still inside the house with a young child. [redacted] said Sapinoso was acting like a monster, growling and screaming. [redacted] informed the deputies Sapinoso was released from prison two months earlier, suffered from mental illness and was a narcotics user.[1] He stated he feared for his [redacted] lives.

Sergeant Faye Bugarin, the senior deputy at the scene, stated that when she arrived Sapinoso was violently smashing objects in the home. He began throwing household items such as appliances and figurines through the front window at the deputies that had assembled on the front lawn. Shattered glass was both inside the home and on the outside lawn. Sgt. Bugarin then armed fellow deputies with stun bags and tasers so that they could perform the required rescue operation of the two females that remained inside the house.

Sapinoso continued to move throughout the house and deputies were unsure whether he had attempted to enter [redacted] room. Deputies observed him purposely cut himself with glass.

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[1] [redacted] informed deputies that Sapinoso ran out of his medication several weeks prior to this incident.

Deputies commanded Sapinoso to desist his behavior with absolutely no effect. When Sapinoso threw a large rice cooker through the front window, Deputy [redacted] fired and struck Sapinoso with three, 37mm less-lethal projectiles. The rounds and three additional rounds had no effect on Sapinoso as he continued to break items and rant.

Deputies focused on rescuing [redacted] and [redacted] from the home. They deployed one sting ball grenade and four stun bag rounds on Sapinoso to prevent him from leaving the kitchen. The rounds had no effect. Deputies then opened [redacted] window and removed her and [redacted] from the house as Sapinoso walked in that direction. Sapinoso was hit with stun bags in his buttock to keep him from entering the bedroom and a smoke canister was also deployed in the hallway to dissuade him from entering.

Once the occupants were removed from the home, deputies focused on arresting Sapinoso and preventing him from further injuring himself. As the deputies contacted him, taser bursts were used in order to gain compliance and prevent Sapinoso from further assaulting the arresting deputies. After several bursts, the taser had the appropriate affect, which caused Sapinoso to reduce his uncooperative behavior. Sapinoso was handcuffed and hobbled.

Once the deputies removed him from the house, deputies noticed Sapinoso stopped breathing. He received treatment at the scene and was transported to Harbor UCLA Medical Center for treatment related to cardiopulmonary arrest. Sapinoso died the following day in the hospital.

Coroner's department staff, Dr. Christopher Rogers and Dr. Lakshmanan Sathyavagiswaran, reviewed psychiatric records with psychiatric consultants and determined that Sapinoso's agitated behavior was consistent with an exacerbation of his chronic psychiatric disorder. While his acute psychosis was not likely the major cause of his cardiopulmonary arrest and death, the coroners opined that his psychotic disorder led to his violent behavior.

They determined that Sapinoso's death was attributed to injuries related to lack of oxygen in his central nervous system, post cardiopulmonary arrest due to his bipolar disorder, trauma and other unestablished factors requiring restraint. They found the mode of death was underdetermined due to withdrawal from methamphetamine and/or psychiatric medications and the exhibited breakdown of muscle fibers in his body due to self-inflicted trauma, resisting arrest, and/or multimodality restraint.[2]

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[2] The Coroner's report indicates Sapinoso had a history of methamphetamine use and bipolar disorder.

LEGAL ANALYSIS

A police officer may use reasonable force in making an arrest or in overcoming resistance to arrest. Penal Code § 835a. Reasonableness is judged from the perspective of a reasonable officer at the scene considering the circumstances surrounding the use of force including: 1)

whether the suspect poses an immediate threat to the safety to the officers or others, 2) whether the suspect is actively resisting arrest, and 3) the severity of the crime at issue. Graham v. Connor, (1989) 490 U.S. 386. Further, "[T]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." Graham, *supra*, at 396; *see also*, Scott v. Harris, (2007) 127 S. Ct. 1769 (reaffirming the Graham reasonableness analysis for "use of force" cases in effectuating an arrest or "seizure" of a person). Finally, "[T]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation." Graham, *supra* at 396-397.

Use of a taser to effectuate an arrest is subject to the same reasonableness test as the use of force generally. *See*, Hinton v. City of Elwood, (10th Cir. 1993) 997 F.2d 774, 777 (holding that it was not excessive for officers to use an "electrical stun gun" on a man after grabbing him and wrestling him to the ground, because of his active resistance to arrest); Draper v. Reynolds, (11th Cir. 2004) 369 F.3d 1270 (holding it reasonable to fire a taser at a truck driver who refused to provide his insurance information or a bill of lading and was yelling loudly at a police officer who pulled him over); *but see*, Casey v. City of Federal Heights, (10th Cir. 2007) 509 F.3d 1278 (holding that "it is excessive to use a taser to control a target without having any reason to believe that a lesser amount of force--or a verbal command--could not exact compliance.")

Courts have also held that placing a person wearing handcuffs and leg restraints in a prone position is reasonable where the person had violently resisted arrest. *See*, Mayard v. Hopkins, (8th Cir. 1977) 105 F.3d 1226; Price v. County of San Diego, (S.D. Cal. 1998) 990 F. Supp 1230.

CONCLUSION

The evidence examined in this investigation shows that the police were called to assist [redacted] with a violent, mentally ill individual who had struck his [redacted] Deputies witnessed Sapinoso cut himself with broken glass, throw large objects at them through broken windows and violently destroy property in his home. They learned that a young child and Sapinoso's [redacted] were trapped in a bedroom in the home and at potential risk of harm. Deputies deployed less than lethal force on Sapinoso to effectuate the rescue of the two persons still inside the home. Deputies then used tasers to arrest Sapinoso who remained uncooperative. At no time did

Sapinoso acknowledge multiple commands to comply. Only the combination of the taser and the continued physical efforts of the deputies allowed the deputies to handcuff Sapinoso. Once Sapinoso was under their control, deputies ceased their application of force.

The use of force by deputies was reasonable to prevent an individual, who had lost all ability to control his actions, from harming his [redacted] law enforcement, and himself. Sapinoso's continued violent resistance to the deputies' efforts to handcuff him, and the possibility that he would attack another deputy made Sergeant Bugarin's decision to deploy the taser and other less lethal force reasonable.

We find that the deputies involved acted reasonably and lawfully during the apprehension of Dennis Sapinoso. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

PAUL NUNEZ
Deputy District Attorney
(213) 974-3888

c: Deputy Scott Holdsworth, #[redacted]
Deputy Brian Kinoshita, #[redacted]
Deputy Joseph Luther, #[redacted]
Deputy Michael Chacon, #[redacted]
Deputy [redacted] #[redacted]
Deputy Daniel Sandoval, #[redacted]
Deputy Rodney Adams, #[redacted]
Deputy Sergio Ruvalcaba, #[redacted]
Deputy Elizabeth Gonzalez, #[redacted]
Deputy Marina Garcia, #[redacted]
Deputy Faye Bugarin, #[redacted]